
SUPPLEMENTAL MATERIAL
MAY 26, 2004
CITY COMMISSION MEETING

SUPPLEMENTAL MATERIAL

C7 - Resolutions

- C7C A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 3 To The Agreement Between The City And Gambach Architects, Inc., As Assignee Under The Agreement, Dated September 13, 1995, Between The City And Gambach-Sklar Architects, Inc.; Said Amendment, In The Amount Of \$41,900, To Provide Additional Construction Administration, Construction Management, Bidding And Other Related Professional Services Necessary To Complete The Improvements Of The Marseille Drive Streetscape Project; And Further Appropriating \$39,530.52, From The General Obligation Bond Interest Earnings Fund No. 373, \$12,262.37 From The Stormwater Interest Earnings Fund No. 428, And \$8,885.73 From The Water And Sewer Interest Earnings Fund No. 424, For A Total Appropriation Of \$60,678.62, To Provide Sufficient Funding For The Additional Services.

(Capital Improvement Projects)
(Resolution)

- C7D A Resolution Appropriating \$120,000, From The 1995 Parks Bond Interest Fund, To Provide Sufficient Funding To Complete The Construction Scope Of The North Shore Park And Youth Center Phases I, II, And III.

(Capital Improvement Projects)
(Resolution)

R5 - Ordinances

- R5E An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration"; By Amending Article VI Thereof, Entitled "Procurement"; By Amending Division 3 Thereof, Entitled "Contract Procedures"; By Amending Section 2-369 Thereof, Entitled "Award Of Contract"; Said Amendments Respectively: 1) Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And 2) Providing That Prior To Approval Of Purchases For Commodities, Materials, Supplies, Or Other Items On A Continuing Basis From Those Entities Set Forth In Section 2-369, The City Manager Shall Prepare, Or Cause To Be Prepared, A Written Analysis, In Such Form And Manner As Shall Be Determined By The City Manager, Which Shall Include Justification As To Why It Is In The City's Best Interest To Procure Said Commodities, Materials, Supplies, Or Other Items On A Continuing Basis Utilizing The Contracts Of The Entities Set Forth In Section 2-369; Also Providing For Repealer, Severability, And An Effective Date.

(Procurement Department & City Attorney's Office)
(Ordinance)

Supplemental Material (Continued)

R7 - Resolutions

- R7A A Resolution Following A Duly Noticed Public Hearing, Approving The Transfer Of Funds, In The Amount Of \$200,000, From The Miami-Dade County Safe Neighborhood Parks Bond Fund Program, Series 99, North Shore Open Space Park Project, To The Series 99 Beaches And Boardwalk, North Beach Recreational Corridor Project; Further Leveraging Previously Appropriated City Funds, As Needed; And Authorizing The Execution Of All The Necessary Documents.

(Grants Management)
(Resolution)

- R7C A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The Administration To Issue A Request For Qualifications ("RFQ"), For Professional Architectural And Engineering Services Related To The Preparation Of An Environmental Assessment (EA) Report, As Required By The Federal Transit Administration For A Proposed Joint Development Between The City Of Miami Beach And AR&J SOBE, LLC (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton", Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North And 5th Street On The South, In Miami Beach, Provided Further That Said RFQ Shall Only Be Issued If The Administration Is Unsuccessful In Negotiating And Engaging A Consultant From The City's Rotating List Of A/E Consultants, For An Amount Not To Exceed \$25,000, For The Scope Of Work Contemplated In The Proposed RFQ And Set Forth In This Resolution.

(City Manager's Office)
(Resolution)

- R7H A Resolution Approving New Rental Rates For The Miami Beach Convention Center, Effective October 1, 2004 For New Business, And To Be Implemented As Negotiated With Existing Users.

(Convention Center)
(Resolution)

R9 - New Business and Commission Requests

- R9E Discussion Regarding The 42nd Street Project.
(Requested by Commissioner Luis R. Garcia, Jr.)
(Additional Material - LTC)

- R9G Discussion Regarding Swimming Skills In The Fire Department.
(Requested by Commissioner Luis R. Garcia, Jr.)
(Additional Material - LTC)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY AND GAMBACH ARCHITECTS, INC., AS ASSIGNEE UNDER THE AGREEMENT, DATED SEPTEMBER 13, 1995, BETWEEN THE CITY AND GAMBACH-SKLAR ARCHITECTS, INC.; SAID AMENDMENT, IN THE AMOUNT OF \$41,900.00, TO PROVIDE ADDITIONAL CONSTRUCTION ADMINISTRATION, CONSTRUCTION MANAGEMENT, BIDDING AND OTHER RELATED PROFESSIONAL SERVICES NECESSARY TO COMPLETE THE IMPROVEMENTS OF THE MARSEILLE DRIVE STREETScape PROJECT; AND FURTHER APPROPRIATING \$39,530.52, FROM THE GENERAL OBLIGATION BOND INTEREST EARNINGS FUND NO.373, \$12,262.37 FROM THE STORMWATER INTEREST EARNINGS FUND NO. 428, AND \$8,885.73 FROM THE WATER AND SEWER INTEREST EARNINGS FUND NO.424, FOR A TOTAL APPROPRIATION OF \$60,678.62, TO PROVIDE SUFFICIENT FUNDING FOR THE ADDITIONAL SERVICES.

WHEREAS, on September 13, 1995, the City entered into a Professional Services Agreement with Gambach-Sklar Architects, Inc. to perform Professional Architectural, Engineering, and Land Surveying Services for Various Capital Projects Where Basic Construction Does Not Exceed \$500,000 per Project for a Two (2) Year Period (the Agreement); and

WHEREAS, subsequent thereto, a Service Order was issued to develop drawings and specifications, and to provide construction documents to Gambach-Sklar Architects, Inc. for Marseille Drive, between Bay Drive and Rue Notre Dame, Streetscape Project (the Project); and

WHEREAS, the Agreement was amended (Amendment No.1) on January 26, 2000, in the amount of \$39,380; and

WHEREAS, the scope of the Project is comprised of improvements to the following streets: Marseille Drive, from Bay Drive to Rue Notre Dame; Rue Versailles, from Marseille Drive to Normandy Drive; and Rue Notre Dame, from Marseille Drive to Normandy Drive, including the completion of the water main replacements and street lighting improvements; and

WHEREAS, on September 28, 2001, Gambach-Sklar, notified the City that, as of August 1, 2001, the firm had ceased operations, and the City also learned of the creation of the two (2) independent firms of Gambach Architects, Inc. and Sklar Arkitekts, Inc., lead by the former principals of Gambach-Sklar Architects, Inc.; and

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WHEREAS, in light of the above, the Administration reviewed the terms of the Agreement with Gambach-Sklar Architects, Inc. and, on October 30, 2001, the Administration informed the former principals of Gambach-Sklar Architects, Inc. of the City's intent to recommend assignment of the Agreement to Gambach Architects, Inc.; and

WHEREAS, on January 9, 2002 the Mayor and City Commission concurred with the Administration, and adopted Resolution No. 2002-24701, approving and authorizing the assignment of the Agreement from Gambach-Sklar Architects, Inc. (the Assignor) to Gambach Architects, Inc. (the Assignee), to provide architectural and engineering services for the Project during the public bidding process, construction management, and construction administration; and

WHEREAS, the Mayor and City Commission, as part of the same Resolution No.2002-24701, also authorized and approved Amendment No.2 to the Agreement, in the amount of \$10,990, for the provision of construction administration and management, bidding and other related professional services necessary to complete the water line replacement and street lighting improvements portion of the Project; and

WHEREAS, the Construction Phase of the Project, to Final Completion, has been extended to May 31, 2004, due to changes in the Scope of Work, in part produced by conflicts in the field and Owner requests; excluding the additional scope reflected in Amendment Nos. 1 and 2, the original Scope of Work had materially changed; and

WHEREAS, because of increases in the Scope of Work and extended time in this Project, the Administration recommends the execution of Amendment No. 3 to the Agreement, in the amount of \$41,900.00, and the appropriation of \$60,678.62 from the available funding sources referenced in this Resolution; and

WHEREAS, the appropriation of the additional \$18,778.62 over the recommended \$41,900.00 in the current additional services responds to a required adjustment to an incomplete appropriation made in Resolution 2000-23768; and

WHEREAS, Amendment No.1 to the Agreement was intended to be in the amount of \$39,380, but the Amendment was only funded in the amount \$18,400, which created a shortfall to the appropriation; and

WHEREAS, in addition, a reallocation, in the amount of \$3,484, was approved with Amendment No.1, but was never encumbered; and

WHEREAS, the City Manager subsequently approved an increase to the Standing Order, in the amount of \$2,202, to partially account for the reallocation amount; and

WHEREAS, the amount of \$18,778.62 is the result of the difference in the appropriation presented with this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and the City Clerk to execute Amendment No. 3 to the Agreement between the City and Gambach Architects, Inc., as Assignee under the Agreement, dated September 13, 1995, between the City and Gambach-Sklar Architects, Inc.; said Amendment in the amount of \$41,900.00, to provide additional construction administration, construction management, bidding and other related professional services necessary to complete the improvements of the Marseille Drive Streetscape Project; and further appropriate \$39,530.52 from the General Obligation Interest Earnings Fund No. 373, \$12,262.37 from the Storm Water Interest Earnings Fund No. 428, and \$8,885.73 from the Water and Sewer Interest Earnings Fund No.424, for a total appropriation of \$60,678.62, to provide sufficient funding for the additional services.

PASSED and **ADOPTED** this 26th day of May, 2004.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5-21-04

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING \$120,000, FROM THE 1995 PARKS BOND INTEREST FUND, TO PROVIDE SUFFICIENT FUNDING TO COMPLETE THE CONSTRUCTION SCOPE OF THE NORTH SHORE PARK AND YOUTH CENTER PHASES I, II, AND III.

WHEREAS, on September 10, 2001, the City issued an Invitation to Bid for the construction of the North Shore Park and Youth Center (the Project); and

WHEREAS, The Collage Companies (TCC) was declared to be the "lowest and best bidder", but its Total Base Bid Price exceeded the budgeted amount allocated towards the construction scope; and

WHEREAS, as permitted in Section 2-367 of the City Code, on October 17, 2001, the Mayor and the City Commission adopted Resolution 2001-24652, approving and authorizing the City Manager or his designee to negotiate a contract with The Collage Companies; and

WHEREAS, following a series of value engineering sessions, the parties agreed to a construction price, in the amount of \$6,176,296, that reflected the available funding for the Project; and

WHEREAS, to achieve this contract amount, a decision was made to reduce the Project's Contingency from 10% to 4.3%, or \$330,073, and use the balance of the Contingency to fund the contract amount; and

WHEREAS, several items were value engineered from the scope, including the shuffleboard courts; 4 of the 12 tennis courts; 3 baseball field dugouts; welded metal lockers; interior wood doors; stucco finish for the exterior elevations; and wood flooring for the basketball court and dance room; and

WHEREAS, to allow an early occupancy by the public, the Project was divided into three different phases as follows: Phase I: Baseball/softball fields with alternatives to construct a concession field house, tot lot and basketball court (The alternatives were not approved; however, the concession field house and tot lot have subsequently been awarded additional funding and will be built separately.); Phase II: Tennis Center, tennis courts, shuffleboard courts, practice court, and maintenance building; and Phase III: a new 2-story Youth Center, gymnasium, and entry plaza; and

WHEREAS, additional funds were appropriated at a later date for the Project and some of the value engineered items were added back into the Project Scope; and

WHEREAS, to date, Change Orders, in the amount of \$807,238, have been approved, almost completely exhausting the Project's Contingency; and

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WHEREAS, in order to close out the Project, there are some additional items that were required during the final inspection process, to allow the opening of the buildings; and

WHEREAS, these items have not been negotiated with TCC yet, but have an estimated value of \$120,000.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby appropriate \$120,000 from the 1995 Parks Bond Interest Fund, to provide sufficient funding to complete the construction scope of the North Shore Park & Youth Center Phases I, II, and III.


PASSED and ADOPTED this 26th day of May, 2004.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

 5-24-04

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3 THEREOF, ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTION 2-369 THEREOF, ENTITLED "AWARD OF CONTRACT"; SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND 2) PROVIDING THAT PRIOR TO APPROVAL OF PURCHASES FOR COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS FROM THOSE ENTITIES SET FORTH IN SECTION 2-369, THE CITY MANAGER SHALL PREPARE, OR CAUSE TO BE PREPARED, A WRITTEN ANALYSIS, IN SUCH FORM AND MANNER AS SHALL BE DETERMINED BY THE CITY MANAGER, WHICH SHALL INCLUDE JUSTIFICATION AS TO WHY IT IS IN THE CITY'S BEST INTEREST TO PROCURE SAID COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS UTILIZING THE CONTRACTS OF THE ENTITIES SET FORTH IN SECTION 2-369; ALSO PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 2-369 of the Code of Miami Beach authorizes the City Manager to utilize contracts awarded by state or federal general services administration bid lists, Miami-Dade County, or the Miami-Dade School Board, for the purchase of commodities, materials, supplies, or items on a continuing basis; and

WHEREAS, the Administration is also desirous of utilizing contracts competitively awarded by the U.S. Communities Government Purchasing Alliance ("U.S. Communities") in order to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City; and

WHEREAS, the Mayor and City Commission, at its February 4, 2004 meeting, referred to the Finance and Citywide Projects Committee for discussion a proposed amendment to Section 2-369 of the City Code relative to the utilization of contracts awarded by the U.S. Communities; and

WHEREAS, the Finance and Citywide Projects Committee, at its April 6, 2004 meeting, was provided with information by the City's Procurement Director that he had evaluated all contracts awarded by the U.S. Communities to determine if utilizing said contracts was in the City's best interest; and

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WHEREAS, from the list of contracts awarded by the U.S. Communities, three (3) contracts represented an immediate cost savings to the City, while other U.S. Communities' contracts would neither apply nor represent a cost savings; and

WHEREAS, the Finance and Citywide Projects Committee unanimously recommended the amendment to Section 2-369 of the Code of Miami Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA as follows:

SECTION 1: That Chapter 2 of the Code of the City of Miami Beach, entitled "Administration"; Article VI thereof, entitled "Procurement"; Division 3 thereof, entitled "Contract Procedures"; Section 2-369 thereof, entitled "Award of Contract", is hereby amended as follows:

ARTICLE VI. PROCUREMENT

* * * *

DIVISION 3. CONTRACT PROCEDURES

* * * *

Sec. 2-369. Award of contract.

All contracts, when the sum is \$10,000.00 or less, shall be awarded by the procurement director to the lowest and best bidder. All contracts, when the sum is in excess of \$10,000.00 and not exceeding \$25,000.00 shall be awarded by the city manager, or his designee, to the lowest and best bidder. When the amount of a contract is in excess of \$25,000.00, the city commission shall award the contract to the lowest and best bidder, or may delegate to the city manager the power to award such contract to the lowest and best bidder; however, the purchase of commodities, materials, supplies or other items on a continuing basis from Metropolitan Miami-Dade County; from the School Board of Miami-Dade County; from the U.S. Communities Government Purchasing Alliance or from state or federal general services administration bid lists may be approved by the city manager without any action by the city commission, even though the total cost of such commodities, materials, supplies or other items may exceed \$25,000.00 over a one-year period; provided that prior to approval of such purchases, the city manager shall prepare, or cause to be prepared, a written analysis, in such form and manner as shall be determined by the city manager, which shall include a justification as to why it is in the city's best interest to purchase the particular commodities, materials, supplies, or items on a continuing basis from the entities set forth in this section 2-369.

(Code 1964, §§ 31A-12, 31A-19; Ord. No. 2001-3290, § 1, 1-31-01; and Ord. No. 2003-3390, § 1, 2-5-03)

* * * *

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2004 which is 10 days after adoption.

PASSED and ADOPTED this _____ day of _____, 2004.

Mayor


ATTEST:

City Clerk

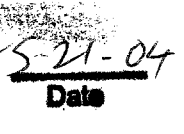
WORDS STRICKEN THROUGH SHALL BE DELETED. WORDS UNDERScoreD CONSTITUTE THE AMENDMENT PROPOSED. REMAINING PROVISIONS ARE NOW IN EFFECT AND REMAIN UNCHANGED.

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, APPROVING THE TRANSFER OF FUNDS, IN THE AMOUNT OF \$200,000, FROM THE MIAMI-DADE COUNTY SAFE NEIGHBORHOOD PARKS BOND FUND PROGRAM, SERIES 99, NORTH SHORE OPEN SPACE PARK PROJECT, TO THE SERIES 99 BEACHES AND BOARDWALK, NORTH BEACH RECREATIONAL CORRIDOR PROJECT; FURTHER LEVERAGING PREVIOUSLY APPROPRIATED CITY FUNDS, AS NEEDED; AND AUTHORIZING THE EXECUTION OF ALL THE NECESSARY DOCUMENTS

WHEREAS, on November 5, 1996, the citizens of Miami-Dade County approved a \$200 million Safe Neighborhoods Parks Bond issue to improve neighborhood and regional parks; and

WHEREAS, the City applied for and was awarded funding, in the amount of \$2.1 million, for the North Shore Open Space Park Project in this bond issue, and the City Commission authorized the application for bond funding on December 16, 1998 (Resolution No. 98-23009); and

WHEREAS, the bond was issued in 1999, and the expiration date for use of this funding is November 2004; and

WHEREAS, Phases I and II of the North Shore Open Space Park Project have already been completed, and currently the City is completing the permitting process for the demolition of existing facilities and the construction of the new restroom and concession facilities, and the Project duration is estimated at six (6) months construction with a start date of late June 2004; and

WHEREAS, expenses for the North Shore Open Space Project include construction costs, a 10% construction contingency and soft costs for management of the bidding and construction portions of the Project; and

WHEREAS, it is estimated that funds will be remaining from this Project, in the amount of \$200,000, and it is recommended that said remaining funds be transferred to the City's North Beach Recreational Corridor (NBRC) Project; and

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Date 5-26-04

WHEREAS, the City was also awarded Safe Neighborhood Parks Bond funding for the NBRC, through the Series 99, Beaches and Boardwalk Project; and

WHEREAS, the NBRC project is currently under construction and the project will create a multi-purpose public access corridor within a public easement, which traverses along the western edge of the sand dunes and will serve as a connection to the beaches, schools, parks and residential areas; and

WHEREAS, funds from the Safe Neighborhood Park Bond will provide funding to construct the NBRC project and the funds will be utilized prior to the November 2004 deadline; and

WHEREAS, both projects currently have Safe Neighborhood Parks Bond funding as part of their existing budget; and

WHEREAS, pursuant to Miami-Dade County Safe Neighborhoods Parks Bond regulations, in order to transfer the above funding, Series 99, North Shore Open Space Park to Series 99, Beaches and Boardwalk/NBRC, the City Commission is required by the Safe Neighborhood Parks Bond regulations to hold a public hearing for a change in scope/budget of the project, and once approved at public hearing, the proposed change will be presented to the County's Safe Neighborhood Parks Bond (SNPB) Oversight Committee for approval, and upon approval by the SNPB Oversight Committee, will be presented to the Miami-Dade County Board of County Commissioners for final approval; and

WHEREAS, on April 28, 2004, the Administration presented the proposed changes to the Safe Neighborhood Parks Citizens' Oversight Committee Monitoring, Auditing & Administrative Rules Sub-Committee to obtain preliminary feedback from the Sub-Committee prior to commencing the process; and

WHEREAS, the Sub-Committee unanimously approved a motion to recommend approval of the proposed scope/budget change to the full SNPB Oversight Committee at the June 2004 meeting; and

WHEREAS, pursuant to Miami-Dade County Safe Neighborhoods Parks Bond regulations, the Mayor and City Commission held a public hearing on Wednesday, May 26, 2004, to consider the transfer of funds, in the amount of \$200,000, from the North Shore Open Space Park Project to the Beaches and Boardwalks/NBRC Project.

NOW THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, following a duly noticed public hearing, hereby approve the transfer of funds, in the amount of \$200,000, from the Miami-Dade County Safe Neighborhood Parks Bond Fund Program, Series 99, North Shore Open Space Park Project, to the Series 99 Beaches and Boardwalk,

North Beach Recreational Corridor Project; further leveraging previously appropriated City funds, as needed, and authorizing the execution of all the necessary documents.

PASSED and ADOPTED this 26th day of May, 2004.

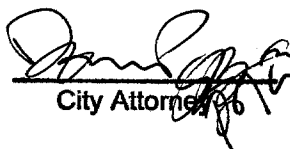
MAYOR

City Clerk

JMG/TH/JCh/FB/JH

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ISSUE A REQUEST FOR QUALIFICATIONS ("RFQ"), FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT (EA) REPORT, AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION FOR A PROPOSED JOINT DEVELOPMENT BETWEEN THE CITY OF MIAMI BEACH AND AR&J SOBE, LLC (A/K/A POTAMKIN/BERKOWITZ) FOR THE DEVELOPMENT OF THE PROJECT, PRESENTLY REFERRED TO AS "5TH AND ALTON", BOUNDED BY LENOX AVENUE ON THE EAST, ALTON ROAD ON THE WEST, 6TH STREET ON THE NORTH AND 5TH STREET ON THE SOUTH, IN MIAMI BEACH; PROVIDED FURTHER THAT SAID RFQ SHALL ONLY BE ISSUED IF THE ADMINISTRATION IS UNSUCCESSFUL IN NEGOTIATING AND ENGAGING A CONSULTANT FROM THE CITY'S ROTATING LIST OF A/E CONSULTANTS, FOR AN AMOUNT NOT TO EXCEED \$25,000, FOR THE SCOPE OF WORK CONTEMPLATED IN THE PROPOSED RFQ AND SET FORTH IN THIS RESOLUTION.

WHEREAS, on June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963, designating the area bounded by 6th Street to the north, 5th Street to the south, Alton Road to the west and Lenox Avenue to the east, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area; and

WHEREAS, in July 2002, the Administration began meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces; and

WHEREAS, one of the proposed commercial uses for the project included a supermarket and, to that end, Publix issued a letter of intent to lease a ground floor area in the complex; and

WHEREAS, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways; and

WHEREAS, this project has been the subject of much discussion due to (1) its pivotal location at the entrance to Miami Beach from the MacArthur Causeway, (2) due to transportation/concurrency issues that will affect ingress/egress to the site, and (3) massing/height issues related to the project; and

WHEREAS, to that end, the Developer has been working with the City's design review and planning staff in redesigning the project to be of the highest quality, commensurate with its prominent location; and

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Date 5-26-04

WHEREAS, on April 5, 2004, the Developer and its project team and City staff met with the Federal Transit Administration (FTA) in Atlanta to review FTA funding requirements; and the FTA expressed favorable comments in its initial review of the project and indicated the City would need to place emphasis on the transit elements of the project, focusing on their location, cost and use, and transit user profiles to determine the project's eligibility for FTA funding; and the parties will explore to what degree the Federal funding restrictions apply to the privately funded, non-transit portion of the project; and

WHEREAS, the FTA funding has an extensive community and stakeholder participation process, culminating in the mandatory submittal of an Environmental Assessment (EA) Report identifying potential social, economic or environmental impacts that may arise as a result of the project, and measures to mitigate these potential impacts; and

WHEREAS, FTA eligibility will be determined as a joint development project and must reflect the project as a transit oriented development including the City's park and ride spaces and certain transit elements will be incorporated, owned and paid for by the City, including items such as transit station pedestrian connections and access links between transit services and the project (i.e. expanded right of way area fronting Alton, 6th Street and 5th Streets), safety and security equipment, vertical access links (i.e. elevators and ramps), transit information center, signage, etc.; and

WHEREAS, as the parties continued to address outstanding and relevant issues, many areas of uncertainty continued to arise affecting the success of the negotiations. namely, (1) the FTA requirements and pending approval by FTA, and (2) the rising cost of construction, and its impact on the City's contribution to the project; and

WHEREAS, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA) and evaluate the ability to apply for additional funding through FTA's competitive grant application process; and

WHEREAS, the City will be assured if the project qualifies as an FTA eligible funded project, that it may seek to maximize the grant funding available for the City's improvements, since FTA regulations will apply to the public portion of the project, at a minimum; and

WHEREAS, pursuing this course should also minimize the uncertainty surrounding the FTA restrictions that may apply and most issues will be raised and addressed before any final City Commission action is taken as to the project; and

WHEREAS, the Administration proposed to first negotiate with a consultant from the City's rotating list of architectural and engineering consultants, for an amount not to exceed \$25,000, for professional architectural and engineering services related to the preparation of the Environmental Assessment (EA) report, as required by the Federal Transit Administration; and

WHEREAS, if the Administration is unsuccessful in negotiating and engaging a consultant from the City's rotating list, then the Administration will issue the RFQ for the services contemplated in the Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Commission hereby authorize the Administration to issue a Request for Qualifications ("RFQ"), for professional architectural and engineering services related to the preparation of an Environmental Assessment (EA) report, as required by the Federal Transit Administration for a proposed Joint Development between the City of Miami Beach and AR&J Sobe, LLC (a/k/a Potamkin/Berkowitz) for the development of the project, presently referred to as "5th and Alton", bounded by Lenox Avenue on the east, Alton Road on the west, 6th Street on the north and 5th Street on the south, in Miami Beach, provided further that said RFQ shall only be issued if the Administration is unsuccessful in negotiating and engaging a consultant from the City's rotating list of A/E consultants, for an amount not to exceed \$25,000, for the scope of work contemplated in the proposed RFQ and set forth in this Resolution.

PASSED and **ADOPTED** this ____ day of _____, 2004.

ATTEST:


MAYOR

CITY CLERK

JMG/CMC/rar

T:\AGENDA\2004\May2604\Regular\PotamkinEAConsultant.RES.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5-24-04

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING NEW RENTAL RATES FOR THE MIAMI BEACH CONVENTION CENTER, EFFECTIVE OCTOBER 1, 2004 FOR NEW BUSINESS, AND TO BE IMPLEMENTED AS NEGOTIATED WITH EXISTING USERS.

WHEREAS, the City owns the Miami Beach Convention Center (Convention Center) and is desirous of facilitating the continued high impact convention, trade show, and community events at that venue; and

WHEREAS, the City is desirous of maximizing revenue opportunities of the rental rates charged at the Convention Center, and minimizing facility operating deficits; and

WHEREAS, expenses have increased at the Convention Center while revenues have remained relatively flat; and

WHEREAS, current booking trends and occupancy projections would point to the ability of the market to bear an increase in rates; and

WHEREAS, SMG as the City's manager at the Convention Center, has recommended revisions to the Convention Center rental rates that would increase such rates from \$0.65 to \$0.70 per net square foot for 6 days, and from \$0.07 to \$0.08 per net square foot for each additional day, for exhibitions; and from \$6,000 to \$6,500 per hall per event day and \$3,000 to \$3,250 per hall per move-in or move-out day for non-exhibit events, without adversely affecting the competitiveness of the Convention Center; and

WHEREAS, the Administration, Convention Center Advisory Board (CCAB), and SMG have determined that adoption of these rate revisions is in the best interest of the City; and

WHEREAS, consistent with Resolution No. 2003-25299, adopted July 30, 2003, it is further recommended that a review of the Convention Center rental rates will be initiated whenever the change in the Consumer Price Index (CPI), between the current CPI and the date of CPI used to establish the last rate adjustment, is greater than five percent (5%), and said review will be presented to the CCAB for item advisory recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve new rental rates, as proposed in this Resolution, for the Miami Beach Convention Center, effective October 1, 2004 for new business, and to be implemented as negotiated with existing users.

PASSED AND ADOPTED this 26th day of May, 2004.

Attest:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Agenda Item R7H
Date 5-26-04

Initial Rate Increase.RES.doc

Michael J. Smith 5-21-04
City Attorney Date

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 123-2004



To: Mayor David Dermer and
Members of the City Commission

Date: May 24, 2004

From: Jorge M. Gonzalez, City Manager

Subject: **42ND STREET PROJECT STATUS**

RECEIVED
CITY CLERK'S OFFICE
04/17/24 AM 11:32

The 42nd Street Streetscape project was designed to upgrade and beautify a three block area of 42nd Street from Prairie Avenue to Pine Tree Drive. The project scope consisted of milling, re-paving and striping the street surface, grading and sodding swale areas on the north side, constructing a number of decorative planters and traffic calming bulb-outs, installing new shrubs and trees, and bringing sidewalk ramps into compliance with ADA requirements.

Tropex Construction Services, Inc. was the Job Order Contractor selected to perform the work on 42nd Street. Tropex began the work in November of 2003 with a scheduled completion date of January 31, 2004. They had completed the work of milling the pavement on the street when the Public Works Department requested them to stop work approximately one week into the job. The purpose of the "stop work" request was to allow for the design and installation of a replacement water pipe that was not a part of the original project scope. Between the time that work began and the time the "stop work" order was issued, it was determined that the water service in this area needed to be upgraded, and had the City waited to perform the upgrade, it would be necessary to cut the newly refurbished street within a year or two to install this new water main. To avoid having the new street broken up soon after its improvement, it was decided to halt work on the project long enough to design and install the new water main.

The City negotiated a contract with an engineering firm to design the required water line on an expedited basis. The water main was designed, a price for installation was negotiated, and the additional work scope was permitted in less than six weeks an effort which usually takes a minimum of six months. Work on the water main began in late January 2004 and was completed by April 2004, after which the street was to be repaved, and work was to resume on the planters and landscape portions as originally planned.

The original contract was to have lasted approximately ninety days to substantial completion, plus thirty days to final completion. The addition of the water pipe replacement added approximately ninety additional days to the contract period, plus the additional time necessary to design the pipe, obtain regulatory approval and negotiate the cost of the revision to the original contract. Hence the project was expected to be substantially complete by the fourth week of May, after the addition of the pipe scope of work. There were some minor delays due to unforeseen conditions encountered in the existing piping system.

Agenda Item R9E
Date 5-26-04

The water main has now been installed; pressure tested, sterilized, and flushed out, in preparation for being placed in service. The Florida Department of Health required that the contractor submit an application signed and sealed by a Registered Professional Engineer, containing test reports certifying that the pipe has passed pressure tests, that the water meets acceptable health standards, and that the installation is built substantially in accordance with the approved plans and specifications. The pipe also has to be accepted by the City's Public Works Department for operation and maintenance. These documents and the prerequisite tests took time to assemble. These were submitted by the City to the Department of Health on May 10, 2004, and final approval was issued on May 17th. The residents' water meters will be connected to the new line, and the old meter connections removed during the week of May 24th. Once this is completed, the sidewalks will be restored.

Due to the effects of exposure to weather and frequent traffic, the condition of the street surface deteriorated during the long period of exposure after milling and, as a result, our City Street Superintendent and engineering consultants have recommended that extensive preparation of the road be performed prior to repaving. This work includes replacement of portions of the road base, and re-grading and compacting of the entire base before the new pavement is installed.

The City negotiated a price for this extra work with the contractor. The work on restoring the road base began on May 20, 2004. The contractor has agreed to expedite this work by working weekends for the next three weeks.

The contractor will continue regular watering of the street, usually twice daily to reduce the amount of dust being released into the air. We understand that there have been times when the watering was not as regular or routine. We are taking steps to correct this situation and monitoring the process closely.

The issue of dust intrusion at North Beach Elementary School as depicted in the recent Channel 7 news report is not entirely accurate. In fact, during the City's monitoring, dust presence has not been as extensive or as frequent as the reports seem to indicate. The minerals identified in the lab tests conducted by Channel 7 are commonly found in soils throughout our area, except for gypsum which was found inside the school, but was not present in the road bed. There has been extensive construction at this school recently and some of the dust encountered at the locations noted in the report may come from other construction sources. Nonetheless, at the request of concerned parents, the City has hired a testing firm to conduct air quality tests throughout the project area. Preliminary reports have been received and results of the tests will be available by the May 24th Community Meeting. We have also asked the school system to conduct similar tests inside the school to better gauge any intrusion of dust into the HVAC system and the school itself.

Traffic control has been very difficult, throughout the project in spite of the Management of Traffic (MOT) plan. Even though the street has had one-way traffic for many years, drivers were traveling in both directions through the construction zone. As a result, the City has

now modified the MOT for the duration of the project by closing 42nd Street to through traffic, allowing local traffic only, this should reduce the impact on the community. One travel lane will be paved during the week of May 24th and opened to traffic.

A meeting was conducted by the school PTA which the City attended on Monday, May 17, 2004. The City addressed questions and committed to undertake some immediate corrective measures.

The attached memo indicates those efforts undertaken by the City as well as an updated and expedited construction schedule. These points will be discussed with the PTA and the general community in a special meeting on Monday, May 24, 2003 at 6:00 p.m. at City Hall. A copy of the meeting notice is also attached.


JMG/RCM/TH/JEC/RS/MB
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Attachments

CITY OF MIAMI BEACH
Capital Improvement Projects Office
Memorandum

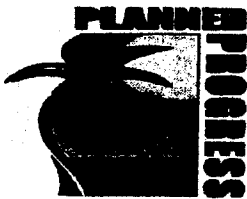


To: Neighborhood Residents and North Beach Elementary Parents

Date: May 21, 2004

Subject: 42nd Street Construction Update

- 42nd Street from Pine Tree Drive to Prairie Avenue has been closed to through traffic, and is marked for local traffic only. Unfinished portions of the street will remain closed until it is fully repaved.
- Additional signage and barricades have been placed to ensure pedestrian and vehicular safety.
- The schedule for watering the street to mitigate dust has been adjusted, as requested, to better coordinate with school drop-off and pick-up times. The current schedule requires watering at 7:00 a.m. and 1:00 p.m. A City inspector has been assigned to be on site each day at these times to ensure that watering is performed properly.
- The City hired an independent testing firm to perform several air quality tests around the project area and the school. The tests were performed on May 18th, and the results will be available next week. In addition, the City has requested authorization to perform air quality testing within the school.
- The State Department of Health issued a Notice of Clearance for the water main on May 17th. The water meters along 42nd street will be connected to the new water main next week.
- The Contractor has been given authorization to work Saturdays and Sundays for the next three weekends to expedite project completion. This allowance will accelerate the progress of work by one week.
- Restoration of the road base began on May 19th, in preparation for paving. One lane of traffic from Pine Tree Drive to Prairie Avenue will be paved next week. This will allow one lane to be reopened to traffic until the rest of the road base is restored and final asphalt is applied. Final paving will begin in the week of June 7th and will be completed by June 16th.
- The above ground enhancements, primarily landscaping, will be undertaken after the paving is completed, and the normal traffic pattern is resumed on the street.
- A public meeting has been scheduled for Monday, May 24th, 2004 at 6:00PM at City Hall, 1st floor conference room.
- For more information, please contact Ronnie Singer, Community Information Manager at (305) 673-7071.



42ND STREET CONSTRUCTION, PAVING & BEAUTIFICATION TIMELINE TO BE DISCUSSED

JOIN CITY OFFICIALS

**Monday, May 24, 2004
4th Floor – City Manager's Office
City Hall
1700 Convention Center Drive
6:00 PM**

**For more information, please contact the CIP
Community Information Manager at 305-673-7071.**

Call Capital Improvement Projects Office at 305-673-7071 (voice), or if hearing impaired, call the Florida Relay Service (800-955-8771) (TTY) to request this publication in accessible format; to request sign language interpreters (Five days in advance, if possible); or to request information on access for persons with disabilities.



CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



CAPITAL IMPROVEMENT PROJECTS OFFICE

Telephone 305 673-7071
Facsimile 305 673-7073

May 20, 2004

Ms. Maria Costa, Assistant Principal
North Beach Elementary School
4100 Prairie Avenue
Miami Beach, FL 33140

Via Facsimile 305-674-8425 and U.S. Mail

Dear Ms. Costa,

It was a pleasure meeting you at the Emergency PTA Meeting held on Monday morning. I appreciate your efforts to maintain order and decorum.

As you are aware we have initiated a number of activities in an effort to calm parents concerns regarding construction work on 42nd Street. One of those initiatives is the Air Quality testing which was requested by the group and has now been done; we are awaiting test results. To further this effort, the City of Miami Beach is asking that we be able to test the air quality within the school as well. (Of course, we will absorb all associated expenses). Please let me know how quickly we can gain access to school property in order to perform said test. Your assistance is greatly appreciated in expediting this request.

Sincerely,

Ronnie Singer
Community Information Manager

RS/gd

C. Jorge M. Gonzalez, City Manager
Robert Middaugh, Assistant City Manager
Tim Hemstreet, Capital Improvement Projects Director

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 128-2004



To: Mayor David Dermer and
Members of the City Commission

Date: May 25, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature of Jorge M. Gonzalez.

Subject: SWIM ASSESSMENTS FOR CITY OF MIAMI BEACH FIREFIGHTERS

The purpose of this LTC is to inform you of a recent item that appeared in a WSVN Channel 7 News report on May 13, 2004. An LTC advising you of this report was sent on May 11, 2004. The report on the swimming abilities of the City of Miami Beach Firefighters was initiated by complaints from an unknown City of Miami Beach Firefighter. The complaints were presented to the Fire Chief during an interview requested to discuss the Fire Department's swim assessment program. Without any knowledge of the complaints, the Fire Chief continued the interview. The complaints presented to the Fire Chief were the following:

1. The City of Miami Beach does not have a swimming requirement for firefighters;
2. The Fire Department does not conduct swim training;
3. None of the firefighters hired since the City eliminated the swim requirement can swim.

Of the three complaints presented only the first one is correct. The City of Miami Beach does not have a swim requirement and has not had one since 1993. The other two complaints are incorrect and information was subsequently provided by the Fire Chief supporting the fact that the Fire Department conducts swim training, and the majority of firefighters hired since 1993 can indeed swim.

The Fire Department is currently conducting mandatory swim assessments for all firefighters assigned to Fire Operations. The decision to make the assessments mandatory was made in 2003. The purpose of the swim assessments is to determine the swimming skill levels of all Miami Beach Firefighters and provide appropriate swim training for any firefighter who needs additional remediation. Since March of 2003, the Fire Department analyzed their swim requirements, and after the swim assessments in May 2003, they began to develop swim standards for their personnel. The Fire Department developed three standards: a minimum standard for all personnel, a rescue swim standard, and a second choice rescue swim standard (see attached memo). It is important to note that the minimum swim standard used by the Channel Seven news story does not demonstrate the ability to be a rescue swimmer. The minimum standard is a self-save standard that only requires completing three laps in a swimming pool. A rescue swimmer must complete sixteen laps. Currently, The Fire Department's internal swim training courses include Dive, Remediation, and Surf Rescue Training.

Agenda Item R9G
Date 5-26-04

The Fire Chief is confident the results of the swim assessments will demonstrate that the overwhelming majority of the Miami Beach Firefighters have swim abilities far in excess of the minimum swim requirements used in the Channel Seven news report. Since 1999, all new firefighters complete a swim assessment during their probationary training. Of the fifty-one (51) firefighters hired and retained since 1999, forty-nine (49) have demonstrated swimming abilities far in excess of the minimum standard. Two are non-swimmers and will be trained to minimum requirements in a mandatory remediation program. A report of the swim assessments will be provided when completed.

It is important to recognize that the Fire Department has responded to every water emergency and handled each emergency successfully. There has not been a single water emergency where a citizen, patient or firefighter expired or received any injuries as result of a lack of swimming skills. Last year, the Fire Department responded to 17,683 emergencies, 17 of which were water incidents. Annually, the City recognizes Miami Beach Firefighters for their courage and outstanding performances at the scene of water emergencies. Many of those who are recognized are firefighters hired since the City of Miami Beach eliminated the swim requirement.

If you need any additional information, or have any questions regarding this information, please feel free to contact me.

JMG/FJ/dd

MIAMI BEACH FIRE DEPARTMENT

SUPPORT SERVICES DIVISION

TO: Chief F. Jordan

DATE: 3-17-04

FROM: Capt. W. Howard

SUBJECT: Swim Requirements for personnel

As per our last meeting Lt. Cook, Lt. Morris and I discussed parameters to be used in determining first and second choices for rescue swimmers. Here are the recommendations we propose:

Swim Minimum Standards for all personnel:

- 75 yard pool swim, non stop
- 30 second breath hold
- 8-10 feet dive to retrieve a 10 pound weight

Rescue Swimmer Standards:

- 400 yard pool swim in 10 minutes or less
- 25 yard underwater swim while holding breath
- 5 minute tread water, the first minute legs only

Second Choice Rescue Swimmer:

The swimmer completed all the requirements of a Rescue Swimmer with the exception of swimming the 400 yards in 10 minutes. The swimmer must have completed at least 300 yards in the 10 minutes.

Personnel not completing a minimum of 300 yards should be utilized on shore. These personnel will not be able to affect a water rescue in a timely manner.

We are available to discuss these proposals at your convenience.